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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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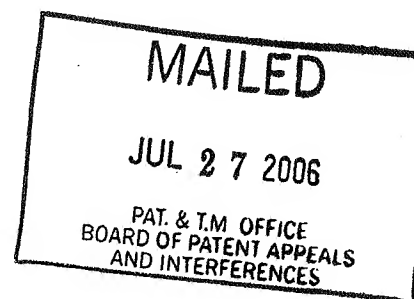
JUL 28 2006

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JAMES L. KEESEY and GERALD J. WILMOT

Appeal No. 2006-2009  
Application No. 09/690,313

ON BRIEF



Before HAIRSTON, KRASS, and SAADAT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-39.

The invention is directed to providing continuous speech recognition as an alternative input device to limited processing power devices.

Claim 1 is representative and is reproduced as follows:

1. A method of data entry at a device, comprising:

receiving voice data at the device;

transmitting the voice data and a device identifier to a computer; and

at the computer,

translating the voice data to text;

determining whether to filter the translated text; and

if it is determined that the translated text is to be filtered, applying a filter to the translated text.

The examiner relies on the following references:

King	6,532,446	Mar. 11, 2003 (filed Aug. 21, 2000)
Alpdemir	6,658,389	Dec. 02, 2003 (filed Mar. 24, 2000)

Claims 1-39 stand rejected under 35 U.S.C. §103. As evidence of obviousness, the examiner offers King and Alpdemir with regard to claims 1-3, 7-16, 20-29, and 33-39, adding “well-known prior art” to this combination with regard to claims 4-6, 17-19, and 30-32.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

#### OPINION

With regard to independent claims 1 and 14, the examiner asserts that King discloses a device for receiving and transmitting data at column 4, line 64 through column 5, line 5, and Figure 1, devices 102, 103. King is said to describe a computer having a data store at column 5, lines 16-32, and Figure 1. The claimed “one or more computer programs...” is said to be described by King at column 7, lines 34-35. The

function of “receiving voice data and a device identifier from the device” is said to be described in King at column 5, lines 12-15, and lines 34-35. Translating the voice data to text is said to be described in King at column 3, lines 14-15, and column 4, lines 26-35. The examiner identifies column 4, lines 25-35, and column 10, lines 37-45, of King as describing the claimed “determining whether to filter the translated text.

The examiner indicates that even though King discloses “receiving voice data and a device identifier from the device”, King does not expressly disclose using one computer (server) for receiving voice data and a device identifier and for recognizing the speech (or voice). However, the examiner determines that Alpdemir discloses that speech server 116 in Figure 1 is a personal computer that includes a speech-to-text engine for speech recognition (in Figure 1 and column 5, lines 10-30) and that voice recognition can be used with voice print and a registered telephone number (device identifier) (column 6, lines 14-23, of Alpdemir.

The examiner concludes therefrom that it would have been obvious “to modify King by specifically providing one computer for receiving voice data and a device identifier and for recognizing the speech (or voice), as taught by Alpdemir, for the purpose of offering easy access of the service for business and consumers (Alpdemir; column 2, lines 26-28)” (answer-page 4).

Appellants argue that there is no motivation for making the examiner's proposed combination and that, even if such combination would have been suggested, the instant claimed subject matter would not be had since neither reference has any teaching of a structure for or method of "determining whether to filter the translated text; and if it is determined that the translated text is to be filtered, applying a filter to the translated text."

We have carefully considered the evidence before us, including, inter alia, the reference disclosures and the arguments of appellants and the examiner, and we conclude therefrom that the examiner has not established a prima facie case of obviousness with regard to the instant claimed subject matter.

Without reaching the question of a motivation for making the combination, we agree with appellants that neither King nor Alpdemir describes the claimed "determining whether to filter the translated text; and if it is determined that the translated text is to be filtered, applying a filter to the translated text."

The examiner argues that this limitation is "quite broad" (answer-page 11) because the claim does not specifically recite what should be filtered out and how to apply the filter to the text. Therefore, the examiner concludes that King's teaching of converting symbolic data files (text) to a data format that may be optimally transported on a wireless network and a text file that may be reformatted so as to be more compatible (suggesting filtering out some incompatible text) with a requesting mobile device (interpreted as a filter or filtering function), reads on the claim limitation.


The examiner's reasoning is not well founded. While it may be true that "to filter the translated text" may be broad, the claims still require some determination of whether the translated text should be filtered, which means that sometimes a filtering function will apply and sometimes a filtering function will not apply. To the extent that the examiner appears to be relying on column 10, lines 36-44, of King for this teaching, we find nothing therein suggesting this claim limitation. While King may convert a symbolic data file to a data format that may be optimally transported on a wireless network and the symbolic data file may be in a format comprehensible by a message processor when received from a speech recognition server, we find nothing within the confines of King, or Alpdemir for that matter, that suggests making any kind of determination of whether the translated text of voice data should be filtered and then applying the filter if the determination is made that it should be filtered. The examiner has not convincingly pointed to anything in the applied references which suggests that such a determination is made or should be made.

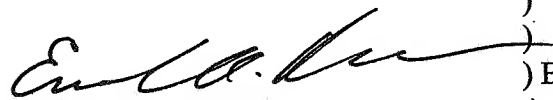
Accordingly, since all of the claimed elements/steps are not accounted for in the applied references and nothing else suggests any reason why the skilled artisan would have applied such an element/step in King, we find no prima facie case of obviousness in the examiner's rationale.


Since all of the independent claims require this element/step of "determining whether to filter the translated text; and if it is determined that the translated text is to be filtered, applying a filter to the translated text," we will not sustain the rejection of claims 1-39 under 35 U.S.C. §103.

The examiner's decision is reversed.

REVERSED

  
KENNETH W. HAIRSTON  
Administrative Patent Judge

  
ERROL A. KRASS  
Administrative Patent Judge

  
MAHSHID D. SAADAT  
Administrative Patent Judge

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